saalt
SOUTH ASIAN AMERICANS LEADING TOGETHER

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South Asian Americans Leading Together
Tracking South Asian Detainees - 2018

April 2014 - El Paso County Detention Facility "El Paso 37"

- 37 Sikh Indian men were detained in the El Paso Processing Center in April 2014.
- Many detainees "were active in a Sikh minority political party in India and were targeted for violent attacks." After the men were threatened with arrest by local police, they fled to America, fearing religious persecution.[1]
- Update 2018: Many of the detainees were deported while a few received bond and are living with family members in California/New Jersey

October 2015 - El Paso County Detention Facility

- Over 50 South Asian detainees from Bangladesh, Pakistan, and Afghanistan seeking asylum, likely due to political persecution, went on hunger strike between October 14-20, 2015 after unfair treatment, interference with their legal proceedings, and indefinite delays after passing credible fear tests.
- Detainees faced major civil rights violations: inadequate medical care and treatment; denial of language interpretation; and acts of retaliation by detention center staff, including forced solitary confinement.
- SAALT, Desis Rising Up and Moving (DRUM), and the National Immigration Project of the National Lawyers Guild filed an official civil rights complaint with DHS-CRCL on October 23, 2015
- In early January 2017, DHS Officer for Civil Rights and Civil Liberties informed SAALT that recommendations from their investigation were sent to ICE. After administration transition in late January 2017, there has been no update.
- DRUM informed SAALT that many of the detainees were deported back to Bangladesh and killed upon arrival.

June 2018 - Yamhill County Federal Prison in Sheridan, Oregon

- 70 South Asians detained in Sheridan, Oregon (52 from India, many who speak Punjabi, 13 from Nepal, 2 from Bangladesh) - many fleeing religious persecution.
- Vigils, resources, and language interpretation organized by Asian Pacific American Network of Oregon (APANO). Legal services coordinated by Innovation Law Lab.
- Detainees denied access to counsel for over a month until court injunction, Sikh detainees forced to cut hair with no access to religious accommodations.
- Local organizations: Immigration Law Lab, APANO, One Oregon and Unidos Bridging Community

June 2018 - ICE Processing Facility in Folkston, Georgia (for-profit facility owned and operated by GEO Corporation

- Over 100 South Asian asylum seekers began a second hunger strike on June 17, 2018 to protest their prolonged detention and to call attention to ICE's inhumane practice of refusing to release individuals.
- Several individuals passed the credible fear test however they were denied bond by immigration judges and are still in detention facilities. Many have been detained since December 2017.
- DHS visited the facility in August 2018, there has been no update on this visit.
- Local organizations: AAJC Atlanta

June 2018 - Federal Correctional Institution, Victorville

- Hundreds of South Asian asylum seekers held at a medium security federal prison in Victorville, California.

[1] Vikaas, Kishwer. "40 Punjabi Men Detained by Homeland Security in El Paso." *The Aerogram.* 17 April. 2014. https://bit.ly/1hjq70T

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- Sikh detainees banned from wearing turbans, provided no religious accommodations, or medical care.
- Local organizations: Sikh Coalition, Jakara Movement, San Diego Legal Defenders

Other cases of South Asian detainees: Adelanto, Rio Grande Valley sector, Tucson sector, San Diego sector, Laredo sector, El Centro sector, Yuma sector, El Paso sector, Del Rio sector, Miami sector, Detroit sector, New Orleans sector, Swanton sector, Grand Folks sector, Blaine sector, Spokane sector, Havre sector.[2]

Overall concerns:

- Conditions of privately run detention centers, federal prisons, and ICE facilities
- ICE transfers detainees to hard to reach detention centers and federal prisons in the midwest, which makes it difficult to find third party custodians (custodians stay in contact with detainees) and counsel.
- SAALT has received requests from Federal Defenders of San Diego and AAJC to find sponsors for detainees.
- **DATA:** As confirmed by DHS Office for Civil Rights and Civil Liberties, DHS does not have a publicly available database to track the number of asylum seekers, refugees, or detainees being detained in federal facilities by country of origin. DHS does not have the authority to send or implement recommendations to ICE or CBP.
    - Transactional Records Access Clearinghouse (TRAC) at Syracuse University requested data from CBP through FOIA's.
    - Between October 2017 – April 2018, 4,147 Indians, 352 Bangladeshis, 284 Nepalis, 82 Sri Lankans, 68 Pakistanis, and 1 Bhutanese immigrants were arrested by CBP. Data from May - October 2018 is not available.[3]
- ICE online detainee locator systems do not record persons under the age of 18 nor does it track the transfer of detainees. This poses a challenge because of separation of children from their families, many detainees are transferred to states where access to counsel and resources is limited, if not impossible.

Next Steps:

- Congressional letter to DHS requesting most recent (May - December 2018) data on detainee demographics held in both public and private detention facilities

Proposed Legislation:

2018

- H.R. 5820 – Detention Oversight, Not Expansion (DONE) Act introduced on 05/15/2018 by Rep. Jayapal [D-WA-7]

2017

- H.R. 913 – Immigrant Detainee Legal Rights Act introduced on 02/07/2017 by Rep. Foster [D-IL-11]
- H.R. 1006 – A bill to clarify the rights of all persons who are held or detained at a port of entry or at any detention facility overseen by U.S. CBP or U.S. ICE introduced on 02/13/2017 by Rep. Jayapal [D-WA-7]
- H.R. 3923 – Dignity for Detained Immigrants Act of 2017 introduced on 10/03/2017 by Rep. Jayapal [D-WA-7], Rep. Adam Smith [D-WA-9]

[2] TRAC "Border Patrol Arrests: Arrest Method < Citizenship < Border Patrol Sector" https://bit.ly/2QPOyFL
[3] TRAC "Border Patrol Arrests: Fiscal Year 2018 < Arrest Method Patrol Border < Citizenship" https://bit.ly/2QPOyFL